Calendar No. 217

102D CONGRESS *1st Session*	SENATE	REPORT 102-144

TRANSFER OF CERTAIN LANDS AT FORT SMITH AIRPORT

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

H.R. 2132

SEPTEMBER 11 (legislative day, SEPTEMBER 10), 1991.—Ordered to be printed

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SEPTEMBER 11 (legislative day, SEPTEMBER 10), 1991.—Ordered to be printed

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany H.R. 2132]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (H.R. 2132) to authorize the Fort Smith Airport Commission to transfer to the city of Fort Smith, Arkansas, title to certain lands at the Fort Smith Municipal Airport for construction of a road, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

PURPOSE OF THE BILL

The bill authorizes the transfer of land between the Fort Smith Airport Commission and the city of Fort Smith, AR. The bill as reported also prohibits the Federal Aviation Administration (FAA) from closing any flight service stations (FSSs) for a period of 12 months after the date of submission to Congress of the auxiliary FSS plan.

BACKGROUND AND NEEDS

FORT SMITH AIRPORT

The airport land which is proposed for transfer was purchased with Federal funds received under the Airport Improvement Program or its predecessors. When an airport receives such a grant, it agrees to a standard assurance (specified in section 511(a)(14) of the Airport and Airway Improvement Act of 1982) that if the land is conveyed, the airport will receive fair market value for the land and will reinvest the proceeds in an approved airport improvement project. In this case, the Fort Smith Airport Commission and Fort

Smith want to exchange property with no exchange of money. The Airport Commission would give 13 acres to the city for construction of a new road; the city would close the Airport Loop Road, which runs through airport property, and give the land traversed by that road to the Airport Commission.

The FAA cannot approve the transfer of the property because the arrangement does not meet the technical requirements for "fair market value." The FAA does not oppose the project; in fact, the FAA would like the Airport Loop Road closed because of its proximity to a runway and a radar facility.

FLIGHT SERVICE STATION CLOSURES

The FAA's program to consolidate over 300 FSSs into 61 automated stations was initiated in the early 1980s. The consolidation program is over two-thirds accomplished: 197 stations have been closed, and 56 new automated stations have been commissioned.

In the Fiscal Year 1991 Transportation Appropriations Act and in the Aviation Safety and Capacity Expansion Act of 1990, Congress directed the FAA to develop and implement a system of manned auxiliary FSS facilities in "areas of unique weather or operational conditions" to supplement the 61 automated stations. The FAA was directed to report to Congress with the plan and schedule for implementation.

In April 1991, FAA Administrator Busey informed the Committee by letter that the report would be submitted by October 31, 1991, and that the FAA would not consolidate any more FSSs until the report and plan had been submitted. The Administrator also advised the Committee that the FAA has contracted with the National Center for Atmospheric Research to identify unique weather phenomena and to provide a basis for the FAA to determine the locations of the auxiliary stations.

The Committee considers the auxiliary program to be extremely important and believes that there must be adequate time to analyze and review the FAA's plans and recommendations in this regard. Consequently, H.R. 2132, as reported, mandates that for a period of 1 year following submission of this FAA report, the FAA may not consolidate any FSSs, or take any related actions of a permanent nature, such as reducing staff or hours of operation. The FAA would not be prohibited, however, from taking such temporary management steps as may be necessary to respond to safety concerns or unanticipated personnel shortages. For example, if a natural disaster were to interfere with the ability to perform flight services from a particular FSS, another FSS could assume temporarily those functions. Similarly, during the temporary unavailability of personnel, which may be occasioned by sick leave or death, the FAA could take steps necessary to change jurisdiction or hours of operation or switch telephone lines of a particular FSS to ensure continuation of service to the public.

LEGISLATIVE HISTORY

H.R. 2132 was introduced by Representative Hammerschmidt on April 30, 1991. It was ordered reported by the House Committee on Public Works and Transportation, and passed by the House by

voice vote on June 24, 1991. After referral to the Committee, the bill was considered in open executive session on July 30, 1991. During consideration of the bill, Senator Ford, on behalf of Senator Stevens and himself, offered an amendment prohibiting FSS closures by the FAA during a 12-month period following receipt of the FAA report on auxiliary stations. After agreeing to the amendment, the Committee, without objection, ordered the bill to be reported.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 12, 1991.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2132, an act to authorize the Fort Smith Airport Commission to transfer to the city of Fort Smith, Arkansas, title to certain lands at the Fort Smith Municipal Airport for construction of a road, as ordered reported by the Senate Committee on Commerce, Science and Transportation on July 30, 1991. CBO estimates that enactment of the bill would result in costs of about $2 million over the fiscal years 1992 and 1993, assuming appropriation of the necessary funds. H.R. 2132 would not affect direct spending or receipts, so there would be no pay-as-you-go scoring under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

H.R. 2132 would authorize the Fort Smith Airport Commission to transfer to the city of Fort Smith, Arkansas title to certain lands located within the boundaries of the Fort Smith Municipal Airport for the construction of a road. As a condition of the exchange, the city of Fort Smith would close to public use a road and portions of certian roads and transfer to the Fort Smith Airport Commission title to the lands on which the road and portions of roads are situated. The act also would prohibit the Secretary of Transportation from consolidating flight service stations until one year after the Federal Aviation Administration (FAA) submits its report on auxiliary flight service stations to the Congress.

Prohibiting the consolidation of flight service stations would result in additional costs to the federal government. Currently the FAA plans to close and consolidate 77 flight service stations during fiscal year 1992; under H.R. 2132 such plans would be delayed until fiscal year 1993. (The FAA plans to submit its report by October 31, 1991.) CBO estimates that the additional costs associated with this delay would be about $2 million, as a result of the extended operation of the flight service stations. The costs of closing stations and relocating personnel—$19 million to $20 million—would shift from

fiscal year 1992 to 1993. The net result would be savings of between $18 million and $19 million in fical year 1992 and additional spending of between $20 million and $21 million in fiscal year 1993, all from appropriated funds.

There would be no costs to the federal government associated with other provisions of the bill. No costs would be incurred by state or local governments as a result of enactment of this bill.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mitchell Rosenfeld, who can be reached at 226-2860.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer, Director).

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

NUMBER OF PERSONS COVERED

The portions of the bill relating to the airport land transfer have no regulatory impact. The provisions mandating the moratorium on FSS closures would result in the 77 stations scheduled for closure in fiscal year 1992 remaining open. The total number of employees at those stations is approximately 496 people.

ECONOMIC IMPACT

When small FSSs are consolidated into large, automated facilities, the jobs are often upgraded because of the increased complexity of the duties. Employees moving to the new, automated facilities are eligible for a promotion. The moratorium on FSS closures would mean that, for some employees, the opportunity for a promotion would be delayed because they would not be moving to the automated facility.

PRIVACY

The legislation will not have any adverse impact on the personal privacy of the individuals affected.

PAPERWORK

The Committee does not anticipate any increase in the paperwork burden resulting from the provisions of the bill.

SECTION-BY-SECTION ANALYSIS

SECTION 1—TRANSFER AUTHORITY

Section 1 permits the Fort Smith Airport Commission to transfer certain property to the City of Fort Smith, AR, without monetary consideration, notwithstanding section 511(a)(14) of the Airport and Airway Improvement Act of 1982.

SECTION 2—CONDITIONS

Section 2 specifies property to be transferred from Fort Smith to the Fort Smith Airport Commission, and futher specifies that the road, known as the Airport Loop Road, located on the property shall be closed.

SECTION 3—FLIGHT SERVICE STATIONS

Section 3 prohibits the Secretary of Transportation from consolidating FSSs until 12 months after the date of the submission to the Congress of the auxiliary FSS plan.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Commission states that the bill as reported would make no change to existing law.

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